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Art Unit: 2132**REMARKS**

This is a full and timely response to the outstanding final Office Action mailed January 11, 2006. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

1. Response to Rejection of Claims 12 and 24 Under 35 U.S.C. § 112, First Paragraph

Claims 12 and 24 stand rejected under 35 U.S.C. § 112, First Paragraph for allegedly not providing an enabling disclosure. In particular, the Office Action questions how the specification fails to provide an enablement of the subject matter of claims 12 and 24 regarding transferring a location of data. Applicant respectfully traverses the rejection.

Applicant notes that the specification describes one embodiment, among others, where a remote web server stores data in a file at a remote location, "in which case, a reference to the remote location may be populated into the body of the email message." Page 19 of Application. One of ordinary skill in the art would therefore understand that a web browser or some other application may retrieve the data being stored at the remote web server identified by the reference contained in the email message. Therefore, Applicant respectfully submits that claims 12 and 24 comply with the requirements of 35 U.S.C. § 112, First Paragraph, for at least these reasons.

Accordingly, Applicant respectfully requests withdrawal of the rejections.

2. Response to Rejection of Claims 1-11, 13-23, and 25-41 Under 35 U.S.C. § 102(e)

Claims 1-11, 13-23, and 25-41 have been rejected under 35 U.S.C. § 102(e) as being anticipated by *Schwartz* (U.S. Patent Application Publication 2002/0199114 A1). Applicant respectfully traverses the rejections.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

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In the present case, not every feature of the claimed invention is represented in the *Schwartz* reference. Applicant discusses the *Schwartz* reference and Applicant's claims in the following.

a. Claim 1

As provided in independent claim 1, Applicant claims:

A method of transmitting data across a firewall, the method comprising:

receiving a request to transmit data to a destination;

searching for a firewall associated with the destination, the firewall being configured to prohibit communication to the destination via a primary communication protocol and allow communication to the destination via a secondary communication protocol;

if the firewall is detected, automatically configuring the data for communication with the secondary communication protocol; and transmitting the data to the destination by utilizing the secondary communication protocol, wherein the request to transmit the data to the destination comprises a primary address of the destination related to the primary communication protocol and a secondary address of the destination related to the secondary communication protocol.

(Emphasis added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Schwartz* does not disclose, teach, or suggest at least "receiving a request to transmit data to a destination," "searching for a firewall associated with the destination," "if the firewall is detected, automatically configuring the data for communication with the secondary communication protocol," and "wherein the request to transmit the data to the destination comprises a primary address of the destination related to the primary communication protocol and a secondary address of the destination related to the secondary communication protocol," as recited and emphasized above.

Rather, *Schwartz* discloses at most a system for configuring a device to communicate through a firewall, where the device does not have user input capability. See paras. 0024-0025. Accordingly, a "non-traditional" device in *Schwartz* tries to open a connection on a particular port and if the connection is not successful, it tries another port. See para. 0029. The non-traditional device does not appear to search

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for a firewall, however. For at least this reason, *Schwartz* fails to teach or suggest "searching for a firewall associated with the destination."

Further, *Schwartz* does not appear to teach or suggest a primary protocol that is used in the case where a firewall is not detected and a secondary protocol that is used in the case where a firewall is detected. In contrast, *Schwartz* tries to establish a connection using a first port regardless if a firewall is present. For whatever reason, if the connection is not able to be established, then a second port is attempted to be used to establish a connection. In particular, *Schwartz* does not choose a protocol upon finding a firewall. Rather, it picks a port if a prior port does not work. For at least this reason, *Schwartz* fails to teach or suggest "if the firewall is detected, automatically configuring the data for communication with the secondary communication protocol," as recited in the claim.

Schwartz also states that "if an address and/or port does not yield a successful connection, then the next time the device will select the most likely address and port 506, it may not include the unsuccessful port." See para. 0032. "It is to be understood that select most likely address and port 506 is based upon a database of addresses and ports and that this database changes." See para. 0032. Therefore, *Schwartz* fails to teach or suggest that a request to transmit data includes a primary address of the destination that is used if a firewall is not detected and a secondary address of the destination that is used if a firewall is detected, as described in the claim. Rather, *Schwartz* uses whatever port that the non-traditional device discerns is most likely to establish a connection.

Lastly, the non-traditional device disclosed in *Schwartz* does not receive a request to transmit data, as described in the claim. In contrast, *Schwartz* discloses that the non-traditional device attempts to establish a connection and upon establishing a connection, the non-traditional device starts communication. As such, the non-traditional device does not receive a request from another device to transmit data.

For at least these reasons, *Schwartz* fails to anticipate claim 1, and the rejection of claim 1 should be withdrawn.

b. Claims 2 and 4-13

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Because independent claim 1 is allowable over the cited art of record, dependent claims 2 and 4-13 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 2 and 4-13 contain all the steps and features of independent claim 1. For at least this reason, the rejection of claims 2 and 4-13 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for allowability of claims 2 and 4-13, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

Accordingly, the rejections to these claims should be withdrawn.

c. Claim 14

As provided in independent claim 14, Applicant claims:

A system for rerouting the transmission of data to avoid a firewall, the system comprising: a transmission device configured to *search for a firewall protecting a destination*, the firewall being configured to prohibit communication to the destination via a primary communication protocol and allow communication to the destination via a secondary communication protocol, the transmission device is further configured to, *upon detection of the firewall, automatically configure the data for communication over the secondary communication protocol and transmit the data by utilizing the secondary communication protocol, wherein the transmission device is further configured to receive a request to transmit the data to the destination and the request comprises at least the following: a primary address and a secondary address of the destination, the primary address being related to the primary communication protocol and the secondary address being related to the secondary communication protocol and wherein the transmission device is further configured to, upon not detecting the firewall, transmit the data to the destination by utilizing the primary communication protocol.*

(Emphasis added).

Applicant respectfully submits that independent claim 14 is allowable for at least the reason that *Schwartz* does not disclose, teach, or suggest at least a transmission device configured to "search for a firewall protecting a destination,"

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"upon detection of the firewall, automatically configure the data for communication over the secondary communication protocol and transmit the data by utilizing the secondary communication protocol," and "wherein the transmission device is further configured to receive a request to transmit the data to the destination and the request comprises at least the following: a primary address and a secondary address of the destination, the primary address being related to the primary communication protocol and the secondary address being related to the secondary communication protocol and wherein the transmission device is further configured to, upon not detecting the firewall, transmit the data to the destination by utilizing the primary communication protocol," as recited and emphasized above.

Rather, *Schwartz* discloses at most a system for configuring a device to communicate through a firewall, where the device does not have user input capability. See paras. 0024-0025. Accordingly, a "non-traditional" device in *Schwartz* tries to open a connection on a particular port and if the connection is not successful, it tries another port. See para. 0029. The non-traditional device does not appear to search for a firewall, however. For at least this reason, *Schwartz* fails to teach or suggest "search[ing] for a firewall protecting a destination."

Further, *Schwartz* does not appear to teach or suggest a primary protocol that is used in the case where a firewall is not detected and a secondary protocol that is used in the case where a firewall is detected. In contrast, *Schwartz* tries to establish a connection using a first port regardless if a firewall is present. For whatever reason, if the connection is not able to be established, then a second port is attempted to be used to establish a connection. In particular, *Schwartz* does not choose a protocol upon finding a firewall. Rather, it picks a port if a prior port does not work. For at least this reason, *Schwartz* fails to teach or suggest "upon detection of the firewall, automatically configure the data for communication over the secondary communication protocol and transmit the data by utilizing the secondary communication protocol," as recited in the claim.

Schwartz also states that "if an address and/or port does not yield a successful connection, then the next time the device will select the most likely address and port 506, it may not include the unsuccessful port." See para. 0032. "It is to be understood that select most likely address and port 506 is based upon a database of addresses and ports and that this database changes." See para. 0032. Therefore, *Schwartz* fails to

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teach or suggest that a request to transmit data includes a primary address of the destination that is used if a firewall is not detected and a secondary address of the destination that is used if a firewall is detected, as described in the claim. Rather, *Schwartz* uses whatever port that the non-traditional device discerns is most likely to establish a connection.

Lastly, the non-traditional device disclosed in *Schwartz* does not receive a request to transmit data, as described in the claim. In contrast, *Schwartz* discloses that the non-traditional device attempts to establish a connection and upon establishing a connection, the non-traditional device starts communication. As such, the non-traditional device does not receive a request from another device to transmit data.

For at least these reasons, *Schwartz* fails to anticipate claim 14, and the rejection should be withdrawn.

d. Claims 17-28

Because independent claim 14 is allowable over the cited art of record, dependent claims 17-28 (which depend from independent claim 14) are allowable as a matter of law for at least the reason that the dependent claims 17-28 contain all the elements and features of independent claim 14. For at least this reason, the rejection of claims 17-28 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for allowability of claims 17-28, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

Accordingly, the rejections to these claims should be withdrawn.

e. Claim 29

As provided in independent claim 29, Applicant claims:

A transmission device configured to transmit data to a destination, the transmission device comprising:

means for transmitting the data by utilizing a secondary communication protocol;

means for searching for a firewall, the firewall being configured to prohibit communication to the destination by a

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primary communication protocol and allow communication to the destination via the secondary communication protocol;

means for automatically configuring the data for communication for the secondary communication protocol upon detecting the firewall; and

means for receiving a request to transmit the data to the destination, wherein the request comprises at least the following:

a primary address and a secondary address of the destination, the primary address being related to the primary communication protocol and the secondary address being related to the secondary communication protocol.

(Emphasis added).

Applicant respectfully submits that independent claim 29 is allowable for at least the reason that *Schwartz* does not disclose, teach, or suggest at least "means for searching for a firewall, the firewall being configured to prohibit communication to the destination by a primary communication protocol and allow communication to the destination via the secondary communication protocol," "means for automatically configuring the data for communication for the secondary communication protocol upon detecting the firewall," and "means for receiving a request to transmit the data to the destination, wherein the request comprises at least the following: a primary address and a secondary address of the destination, the primary address being related to the primary communication protocol and the secondary address being related to the secondary communication protocol," as recited and emphasized above.

Rather, *Schwartz* discloses at most a system for configuring a device to communicate through a firewall, where the device does not have user input capability. See paras. 0024-0025. Accordingly, a "non-traditional" device in *Schwartz* tries to open a connection on a particular port and if the connection is not successful, it tries another port. See para. 0029. The non-traditional device does not appear to search for a firewall, however. For at least this reason, *Schwartz* fails to teach or suggest "means for searching for a firewall, the firewall being configured to prohibit communication to the destination by a primary communication protocol and allow communication to the destination via the secondary communication protocol."

Further, *Schwartz* does not appear to teach or suggest a primary protocol that is used in the case where a firewall is not detected and a secondary protocol that is used in the case where a firewall is detected. In contrast, *Schwartz* tries to establish a

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connection using a first port regardless if a firewall is present. For whatever reason, if the connection is not able to be established, then a second port is attempted to be used to establish a connection. In particular, *Schwartz* does not choose a protocol upon finding a firewall. Rather, it picks a port if a prior port does not work. For at least this reason, *Schwartz* fails to teach or suggest "means for automatically configuring the data for communication for the secondary communication protocol upon detecting the firewall," as recited in the claim.

Schwartz also states that "if an address and/or port does not yield a successful connection, then the next time the device will select the most likely address and port 506, it may not include the unsuccessful port." See para. 0032. "It is to be understood that select most likely address and port 506 is based upon a database of addresses and ports and that this database changes." See para. 0032. Therefore, *Schwartz* fails to teach or suggest that a request to transmit data includes a primary address of the destination that is used if a firewall is not detected and a secondary address of the destination that is used if a firewall is detected, as described in the claim. Rather, *Schwartz* uses whatever port that the non-traditional device discerns is most likely to establish a connection.

Lastly, the non-traditional device disclosed in *Schwartz* does not receive a request to transmit data, as described in the claim. In contrast, *Schwartz* discloses that the non-traditional device attempts to establish a connection and upon establishing a connection, the non-traditional device starts communication. As such, the non-traditional device does not receive a request from another device to transmit data.

For at least these reasons, *Schwartz* fails to anticipate claim 29, and the rejection should be withdrawn.

f. Claims 30 and 33-34

Because independent claim 29 is allowable over the cited art of record, dependent claims 30 and 33-34 (which depend from independent claim 29) are allowable as a matter of law for at least the reason that the dependent claims 30 and 33-34 contain all the elements and features of independent claim 29. For at least this reason, the rejection of claims 30 and 33-34 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for allowability of claims 30 and 33-34, these claims recite further features and/or combinations of

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features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

Accordingly, the rejections to these claims should be withdrawn.

g. Claim 35

As provided in independent claim 35, Applicant claims:

A data transmission program stored on a computer-readable medium, the transmission program comprising:

logic configured to facilitate the transmission of data by utilizing a secondary communication protocol;

logic configured to search for a firewall, wherein the firewall is configured to prohibit communication to a recipient device via a primary communication protocol and allow communication via the secondary communication protocol; and

logic configured to automatically configure communication for the secondary communication protocol upon detecting the firewall; and

logic configured to receive a request to transmit the data to the recipient device, the request comprising of at least the following: a primary address and a secondary address of the recipient device, the primary address being related to the primary communication protocol and the secondary address being related to the secondary communication protocol.

(Emphasis added).

Applicant respectfully submits that independent claim 35 is allowable for at least the reason that *Schwartz* does not disclose, teach, or suggest at least "logic configured to search for a firewall, wherein the firewall is configured to prohibit communication to a recipient device via a primary communication protocol and allow communication via the secondary communication protocol," "logic configured to automatically configure communication for the secondary communication protocol upon detecting the firewall," and "logic configured to receive a request to transmit the data to the recipient device, the request comprising of at least the following: a primary address and a secondary address of the recipient device, the primary address being related to the primary communication protocol and the secondary address being related to the secondary communication protocol," as recited and emphasized above.

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Rather, *Schwartz* discloses at most a system for configuring a device to communicate through a firewall, where the device does not have user input capability. See paras. 0024-0025. Accordingly, a "non-traditional" device in *Schwartz* tries to open a connection on a particular port and if the connection is not successful, it tries another port. See para. 0029. The non-traditional device does not appear to search for a firewall, however. For at least this reason, *Schwartz* fails to teach or suggest "logic configured to search for a firewall, wherein the firewall is configured to prohibit communication to a recipient device via a primary communication protocol and allow communication via the secondary communication protocol."

Further, *Schwartz* does not appear to teach or suggest a primary protocol that is used in the case where a firewall is not detected and a secondary protocol that is used in the case where a firewall is detected. In contrast, *Schwartz* tries to establish a connection using a first port regardless if a firewall is present. For whatever reason, if the connection is not able to be established, then a second port is attempted to be used to establish a connection. In particular, *Schwartz* does not choose a protocol upon finding a firewall. Rather, it picks a port if a prior port does not work. For at least this reason, *Schwartz* fails to teach or suggest "logic configured to automatically configure communication for the secondary communication protocol upon detecting the Firewall," as recited in the claim.

Schwartz also states that "if an address and/or port does not yield a successful connection, then the next time the device will select the most likely address and port 506, it may not include the unsuccessful port." See para. 0032. "It is to be understood that select most likely address and port 506 is based upon a database of addresses and ports and that this database changes." See para. 0032. Therefore, *Schwartz* fails to teach or suggest that a request to transmit data includes a primary address of the destination that is used if a firewall is not detected and a secondary address of the destination that is used if a firewall is detected, as described in the claim. Rather, *Schwartz* uses whatever port that the non-traditional device discerns is most likely to establish a connection.

Lastly, the non-traditional device disclosed in *Schwartz* does not receive a request to transmit data, as described in the claim. In contrast, *Schwartz* discloses that the non-traditional device attempts to establish a connection and upon establishing a

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connection, the non-traditional device starts communication. As such, the non-traditional device does not receive a request from another device to transmit data.

For at least these reasons, *Schwartz* fails to anticipate claim 35, and the rejection should be withdrawn.

h. Claims 37 and 39-41

Because independent claim 35 is allowable over the cited art of record, dependent claims 37 and 39-41 (which depend from independent claim 35) are allowable as a matter of law for at least the reason that the dependent claims 37 and 39-41 contain all the features of independent claim 35. For at least this reason, the rejection of claims 37 and 39-41 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for allowability of claims 37 and 39-41, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

Accordingly, the rejections to these claims should be withdrawn.


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CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,


Charles W. Griggers
Reg. No. 47,283

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